

REMARKS

Currently claims 48-53 are pending in this application. By this Amendment, claims 48, 49, 51 and 52 are amended. No new claims are added and no current claims are canceled.

Pursuant to the Amendment filed with the Request for Continued Examination, Applicants respectfully request entry of the Amendment prior to examination pursuant to the Request for Continued Examination.

I. Personal Interview Summary

Applicants would like to extend their appreciation for the courtesies extended by the Examiner to Applicants' representatives, to include several representatives visiting from Japan, during the Personal Interview of October 7, 2008.

During the Personal Interview with Examiner Vo the Primary Examiner in charge of the current application, the U.S. Patent No. 6,704,360 to Haskell et al. was discussed as it had been applied by Examiner Vo to the pending claimed invention.

After the Examiner and Applicants' representatives discussed the several inventive features of the instant application, and then particularly focused upon the embodiment supported by the current pending claim set, all were in agreement that it appeared that Haskell et al. did not apply to the claimed invention. In addition, Applicants' representatives also offered proposed claim amendments to further clarify certain aspects of the inventive subject matter in an attempt to more clearly describe the so-called deformation method employed by the claim set. Pursuant to that discussion, the claim amendment which is attached hereto acts to further clarify the deformation method of the instant invention.

II. Claim Rejections – 35 U.S.C. § 103

The Examiner rejects claims 48, 50-51 and 53 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,704,360 to Haskell et al. (hereinafter "Haskell"). This rejection is respectfully traversed.

Pursuant to the Personal Interview conducted on October 7, 2008, and the verbal confirmation that Applicants had overcome the application of the Haskell reference by particularly describing the absence in Haskell of any type of transformation of a reference image based upon a deformation method as discussed in the present invention. In fact, clearly Haskell

does not teach or suggest at least “said prediction picture generating section generating the prediction picture using the reference image and the deformation method indicated by the indication information”. It appears that Haskell specifies a VOP (Figure 8) of an arbitrary shape VOPTYPE and discloses nothing more than that. Accordingly, there is no description in Haskell of transforming a reference image based on a deformation method. Even if one of ordinary skill in the art were to suggest that the VOP of an arbitrary shape is a deformation method, they would not be able to similarly conclude that VOPTYPE specifying the VOP of an arbitrary shape is deformation information. Accordingly, we believe that not only is the indication information indicating one of a plurality of deformation methods clearly distinguishable over the VOPTYPE specifying the VOP, but additionally Haskell is silent concerning the deformation method applied to the reference image by transforming the image portion geometrically based on the deformation method as recited in amended claim 48, for example.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 48, 50-51 and 53 under 35 U.S.C. § 103 over Haskell.

The Examiner also rejects claims 49 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Haskell in view of U.S. Patent No. 6,370,276 (hereinafter “Boone”). This rejection is respectfully traversed.

With regards to claims 49 and 52 which have been amended to remove a minor grammatical inconsistency, Applicants further assert that since claims 49 and 52 depend from claims 48 and 51 respectively, that for at least the same reasons by which Applicants now assert that claims 48 and 51 are currently distinguishable over Haskell, clearly claims 49 and 52 are similarly distinguishable over the combination of Haskell in view of Boone. That is say that Boone fails to provide what has been clearly determined to be lacking with regards to Haskell, and insofar as Haskell has been determined to be clearly distinguishable over the instant claimed invention, Applicants respectfully assert that Boone fails to render claims 49 and 52 obvious by itself.

Accordingly, based on the strength of the amendments and Personal Interview, Applicants believe that similarly claims 49 and 52 are distinguishable over the applied art, and accordingly respectfully request the withdrawal of the outstanding rejection of claims 49 and 52 under § 103 over Haskell in view of Boone.

II. Conclusion


In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William D. Titcomb Reg. No. 46,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  46463
D. Richard Anderson *WILLIAM D. TITCOMB*
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant